

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

PIONEER CARRIERS, LLC

Debtor

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**CASE NO. 16-36356-H4-11
(Chapter 11)**

**EMERGENCY MOTION FOR AUTHORITY TO PAY
PREPETITION COMPENSATION TO CONTRACTORS**

**[AUTHORIZATION TO PAY BASED ON TESTIMONY AND HEARING FOR USE OF
CASH COLLATERAL ON DECEMBER 15, 2016]**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE BOHM:

Pioneer Carriers, LLC (the “Debtor”) hereby moves the Court for authority to pay
prepetition contractors obligations incurred in connection therewith and respectfully represent:

Jurisdiction

1. This Court has jurisdiction to consider this motion pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of this motion is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. Background

3. On December 12, 2016 (the “Commencement Date”), the Debtor filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtor continues to operate its business and manage its properties as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.
4. The Debtor owns and operates tractor / trailers for the movement of crude oil. The Debtor has an ongoing agreement for moving the crude oil. Debtor operates in south Texas.
5. The Debtor has independent operators who drive its tractors and trailers and independent operators.
6. The independent contractors who drive and operate vehicles for the Debtor are critical to the operations of the Debtor. If the contractor / drivers are not timely paid, they will cease work. If they cease working, the Debtor’s business will stop.
7. The Debtor also has other contractors that manage and oversee the daily operations of the Debtor and are critical to the operations of the Debtor.
8. The Debtor requested and obtained approval for the use of cash collateral on December 15, 2016. The cash collateral budget includes the amounts needed to be paid to the contractors. This court has approved the funds for the payments requested herein.
9. At the hearing, the Debtor testified as to the critical need to pay the contractors and

drivers for payroll due in December. This Court stated that the testimony of the Debtor was sufficient to approve the payment of the critical contractors by the Debtor, subject to the filing of this motion.

3. Compensation to Contractors

10. *Payroll.* In the ordinary course of its business, the Debtor incurs obligations to its contractors for the performance of services.

11. The Debtor's contractors are paid on the fifth (5th) and twentieth (20th) day of each month. The contractors need to be paid on December 20, 2016.

Relief Requested

12. By this Motion, the Debtor requests, pursuant to sections 363(b), 549, and 105(a) of the Bankruptcy Code, that the Court authorize the Debtor to pay the prepetition contractors and driver obligations described above, and to pay amounts to the contractors in respect thereof as they come due in the ordinary course of business.

13. Specifically, the Debtor requests that the Court authorize the Debtor to pay earned and unpaid compensation and reimburseable expenses, if incurred (collectively, the "Prepetition Contractor Obligations") to the persons and in the amounts as listed on Exhibit A hereto. Exhibit A does not separate pre-petition amounts from post petition amounts. Exhibit A lists the total obligations for each person to be paid by the Debtor on December 20, 2016, which includes pre petition and post petition amounts.

14. No previous motion for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Debtor respectfully requests that the Court grant the motion in all respects to permit the Debtor to pay the contractors listed on Exhibit A the amounts as listed on Exhibit A for the prepetition obligations on December 20, 2016, and grant the Debtor such other

and further relief as it deems just and proper.

DATED: December 19, 2016

Respectfully submitted,

By: /s/ Reese W. Baker

Reese W. Baker

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*ATTORNEYS FOR
DEBTOR, PIONEER
CARRIERS, LLC*

CERTIFICATE OF EMERGENCY

The undersigned certifies that an emergency exists. The payment to critical contractor / drivers is essential for the Debtor to continue its operations. The Debtor testified as to the critical nature of the payments at the hearing for use of cash collateral.

/s/ Reese W. Baker

Reese Baker

CERTIFICATE OF SERVICE

Service List for Emergency Motion for Use of Cash Collateral

Service provided to creditors or parties in interest as indicated below names

All creditors or parties in interest on electronic filing were served by ECF by the clerk on December 19, 2016.

All with emails or faxes were served on December 19, 2016.

All notices with only mail addresses have not been served.

Electronic Service by the Clerk of Court

John P Dillman on behalf of Creditor Harris County
Houston_bankruptcy@publicans.com

Christine A March on behalf of U.S. Trustee US Trustee
christine.a.march@usdoj.gov

John S Mayer on behalf of Creditor Commercial Credit Group Inc.
jmayer@rossbanks.com

US Trustee
USTPRegion07.HU.ECF@USDOJ.GOV

Matthew T Wright on behalf of Creditor Equify Financial, LLC
mtw@wrightlawgroup.net

Other Notices

Allegiance Bank of Texas
8727 W. Sam Houston Parkway
North Suite 200
Houston Texas 77040
Email: gary.henderson@allegiancebank.com

Allegiance Bank of Texas
PO Box 41307
Houston, Texas 77241
See above

Bank of America
P.O. Box 53137 Phoenix, AZ

85072

By U.S. mail

CAN Capital
2015 Vaughn Road
Building 500, Suite 500
Kennesaw, GA 30144
Email: JSpidell@cancapital.com
DHardy@cancapital.com

Corporate Service Company PO
Box 2576
Springfield, IL
See below

Corporate Service Company 801
Adlai Stevenson Drive Springfield,
IL 62703
Phone: 866-403-5272
No fax or email
211 E 7th Street Ste 620
Austin, Texas 78701

Crestview Financial
61 West 13490 South Draper
UT 84020
Email: anthony@inadvancecap.com

CT Lien Solutions
2727 Allen Parkway Ste 100
Houston, Texas 77019
Phone: 800-833-5778

Everest Business Funding
5 West 37th Street 2nd Floor
New York, NY 10018
Phone: 877-740-5372

In Advance Capital Crestview
Financial Company 1450 Broadway,
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JP Morgan Chase
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85072-2045
By US mail

Mimosa Farms PO
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San Antonio, Texas 78217-0203
By US Mail _____

NMAC
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Dallas, Texas 75265-0680
By US Mail

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22 Center Street Freehorn, NJ
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Procredit
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Francisco, CA 94104
By US mail

Santex Idealease 4300
Highway 90 East
San Antonio Texas 78219
Email: johnperez@idealease.com

Shore Funding Solutions
2 Huntington Quadrangle #407 N
Melville, NY 11747
See below

Shore Funding Solutions 2500
Discovery Blvd
Rockwall Texas 75032
Email: iaquilar@sfscapital.com
hbryant@sfscapital.com

Strategic Funding
211-D Bulifants Blvd.

Williamsburg, VA
By US Mail

Synergy Capital
160 Pearl Street, 6th Floor New York,
NY 10005
By US Mail

TDECU
1001 FM 2004
Lake Jackson, TX 77566-4012
Email: mail@tdecu.org

Vital Capital
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New York NY 10036
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215 South State Street, Suite 1000
Salt Lake City, UT 84111
Phone: 801-456-8356
Called

WEX Fleet One
613 Bakertown Road
Antioch, TN 37013
Email: customercare@fleetone.com

December 19, 2016

/s/ Reese W. Baker
Reese W. Baker